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1 clouds. To see the stress, the streams and rivers
2 turn black with a chemical-laden slurry, or catch a
3 fish with holes eaten into its body from those
4 chemicals, and see the animals killed along the
5 highway after being driven from their habitat. Then
6 show from the odor of the acid runoff from watching
7 the toxic slide seep from the valley fills where they
8 have filled the valleys.

9 Then witness a person dying from
10 hemorrhaging lungs, eaten up with coal dust, or a
11 black-lung victim, gasping for air into his mouth
12 clogged with coal dust.

13 And see a child panic, when it rains,
14 fearing his home will be destroyed again. Then leave
15 our valley of narrow bridges and unkept highways,
16 dodging their car between the mountains, and
17 overloaded coal truck swerving in your lane. That is
18 mountaintop removal mining living.

19 I am a coal miner's daughter, and a coal
20 miner's wife. I am now a 73-year-old widow, who
21 worked 45 years to acquire the home that I have, but
22 now my home is worthless. My home is full of black
23 coal dust.

24 MR. CHAIRMAN: You are out of time.

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1 MS. CANTEBURY: My home is --

2 Sir, I think I have lost enough, if you
3 can bear with me this time.

4 MR. CHAIRMAN: I'm sorry, ma'am. We
5 have several people, but when you get through, you
6 can put your comments in the comment box.

7 MS. CANTEBURY: Okay. Let me say one
8 more thing: On my worthless home, on the wall, is a
9 plaque with metals on it. The same metals that
10 Jessica Lynch has on her chest.

11 My husband fought in three major battles
12 in World War II, spending 116 days as a Prisoner of
13 War, in Germany.

14 I am so glad that he is not here today
15 to see the things that he had, for the sacrifices
16 that he paid, and see his home like it is today.

17 Thank you.

18 MR. CHAIRMAN: Melvin Tyrce. Then the
19 next speaker will be Bill McCabe.

20 MR. TYRCE: My name is Mel Tyrce and I
21 am a resident of Hurricane, West Virginia. As long
22 as we are keeping count, I am a fifth generation
23 West Virginian.

24 I have a general comment to make at

1 first, and then I have some specific things about the
2 EIS.

3 Let's be honest here, okay? Mountaintop
4 removal is about a cheap and easy access to a
5 nonsustainable energy source.

6 It is not about redevelopment. It is
7 not about future sustainable energy. It is about
8 cheap and quick access to a nonrenewable energy
9 source. And that is what it is about.

10 Anyway, I think it is going to take a
11 long time, but I think we are going to have to adopt
12 a society of permanence. A sustainable energy,
13 sustainable economic development.

14 From my perspective, that is the
15 ultimate answer here.

16 Anyway, that is my first thing.

17 The second comment I got is: What would
18 be the Corps of Engineer's criteria from deciding
19 between nationwide permit, verses individual permit?

20 To me, that is the best concern. The
21 process would go a lot quicker with a nationwide
22 permit. I think this is a critical issue that I am
23 not sure is fully defined yet. I think it is
24 something I think we need to look at.

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1 The third thing I had is: Will
2 mitigated or replace wetlands, or waters of the
3 United States be equal, in terms of the same quality
4 and functionality, and species of diversity of the
5 wetlands that were replaced?

6 In other words, are we talking quality
7 here, or quantity? That is an important thing.

8 I am not familiar with the 404 process
9 of mountaintop removal, but I have delineated
10 wetlands for 404 permit process for other industries,
11 and there is a certain amount of accountability there
12 in terms of quality in mitigated wetlands, verses
13 quality of a destroyed wetland.

14 I think that is an important
15 consideration, particularly some of these headwaters,
16 is really vitally important for downstream energy
17 budgets.

18 I think that needs to be looked at.

19 The fourth thing I got, I am not sure
20 from looking through the EIS if this was covered:
21 What are the long-term impacts to downstream energy
22 budgets from the loss of ephemeral or upper streams?

23 There is a lot of ephemeral aquatic
24 energy sources, the nutrients that are presented from

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1 flowing downstream, when these ephemeral streams are
2 buried. I am just wondering about long-term. 20,
3 30, 50 years down the road. I am not sure that was
4 addressed.

5 The other comment I had: How will
6 Alternative 3 be financed? I have heard some people
7 talk about streamlining, and how we will put this
8 under one state agency.

9 I used to work for the DEP, and funding
10 is something they had very little of. And I don't
11 understand how this increased responsibility for the
12 State DEP, will be funded, in terms of enforcement,
13 permit, review, and that kind of thing.

14 The State is now strapped for cash.
15 I mean, how are the budgets of the DEP going to
16 withstand this nationwide permit process if it is
17 passed?

18 It is confusing.

19 I believe that is it.

20 The last thing -- God forbid --
21 mountaintop removal continues, I think that we really
22 have to seriously look at sustainable replacement in
23 terms of economically sustainable development, as
24 well as environmentally sustainable environment.

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1 I have heard people talk about that the
2 industry representatives say that they don't have a
3 crystal ball, but they seem to.

4 I mean, if they are coming out here and
5 destroying hundreds of thousands of acres of land,
6 and burying streams, they must know something that
7 the environmentalists don't know in terms of their
8 impact.

9 So I don't buy that as an excuse for
10 not having the proper language in place before these
11 permits are issued, guarantees about the development
12 of this property. That has been a shortfall in the
13 past, and it seems now is the time to correct that.
14 If mountaintop removal is allowed to continue.

15 Thank you.

16 MR. CHAIRMAN: Bill McCabe.

17 MR. McCABE: Can I ask the panel a quick
18 procedural question?

19 MR. CHAIRMAN: What would that be, sir?

20 MR. McCABE: I was wondering if there
21 are any other citizens of the coal fields that are
22 effected by this horrible tragedy that want to
23 speak?

24 Can I see hands?

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1 Okay. Would it be possible, sir, that I
2 yield my time until you hear from -- I am worried
3 about your attention span, is what I am worried
4 about. And it would be more important for you to
5 hear from them, because they are actually taking it.
6 Can I swap places with the last of the
7 two speakers that would be anti-mountaintop removal
8 from the coal fields?
9 Sure I can.
10 MR. CHAIRMAN: I would have to move you
11 to the bottom of the list, sir. That is the only way
12 I can conceivably do that.
13 MR. McCABE: If moving me at the bottom
14 of the list is after the last person who speaks
15 against mountaintop removal.
16 MR. CHAIRMAN: I don't know who speaks
17 for what. That would be the only way to do that.
18 Either speak now or move to the bottom.
19 MR. McCABE: I am going to yield to the
20 expertise of the coal fields.
21 MR. CHAIRMAN: The next speaker will be
22 Florence -- I am going to guess -- Twu. I may be
23 wrong.
24 Then the speaker after that will be

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1 Abraham, M-W-A-U-R-A. I won't even try that one.
2 Florence Twu. Then the next speaker
3 will be Abraham, M-W-A-U-R-A, after Florence.
4 Is Florence here?
5 MS. TWU: My name is Florence Twu. I
6 grew up in West Virginia, and my family moved to
7 Illinois. This is the first time that I have been
8 back to the state for 13 years.
9 I didn't come back to see flat grassy
10 land, there is enough of that in Illinois. I came
11 back because all of my childhood memories are
12 universally tied up with the mountains in this
13 state.
14 And I am pissed off, enough to be back
15 here working at the Ohio Valley Environmental
16 Coalition.
17 I am a student at Harvard, and I can
18 speak to you about the economics and the terms of
19 multi-variable calculus, or parts of derivatives in
20 count theory, or cost-benefit analyzes.
21 But the first thing you learn in a
22 Harvard economics class is that economics gets shut
23 out by politics, and that is exactly what has
24 happened in this EIS statement.

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1 An economic study that was prepared to
2 be part of the EIS said that even under the
3 restrictive scenarios studied by the DEP, the
4 economic cost of dramatically limiting valley fills
5 would be minimal.

6 There's a study found in the draft EIS,
7 or was it discarded because the Bush Administration
8 didn't like the results? This is called
9 appeasement.

10 It is a shame if you cannot come up with
11 an answer that is more humane. And I can't even
12 believe how much I have learned from these people
13 here. But I don't need my degree to tell you that
14 this is wrong.

15 But of my time here, it is just -- I am
16 going to use my education to stop this. And I think
17 you are smart enough to know that this is not the
18 right thing to do.

19 MR. CHAIRMAN: Abraham -- I am not sure
20 how to pronounce the last name, M-W-A-U-B-A. (sic)

21 And then after Abraham, we'll have Jason
22 Sneed.

23 MR. MWAURA: Thank you gentlemen, and
24 ladies. My name is Abraham Mwaura. I am from

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1 Huntington, West Virginia. I work with OVEC.

2 MR. CHAIRMAN: Can you speak up?

3 MR. MWAURA: Okay. Abraham Mwaura,
4 Huntington, West Virginia. I work with OVEC.

5 I guess I am just going to continue
6 participating in this frustrating stating of the
7 obvious. I have Tylenol with me. I didn't have
8 selenium with me.

9 I am going to put a nontoxic dose of
10 Tylenol in my nonrenewable resource.

11 Then now I am going to talk to you about
12 stuff you already know. I mean you wrote a whole
13 report on this stuff. You guys better know this
14 stuff, you know the impact of mountaintop removal,
15 but I am going to say it anyway to you, so bear with
16 me.

17 There has been a grave error, first of
18 all, in your statement. The one I received was on
19 the environmental impacts of mountaintop removal, and
20 you sent one on the economic impact of mountaintop
21 removal to the coal guys, because they came up here
22 and talked about coal, and economic development, and
23 all sorts of good things moneywise, that is going to
24 come from coal, different statements.

1 The coal industry loves, and often says
2 that mountaintop removal only affects one percent of
3 the state.

4 In fact, they recently revised that
5 figure to two percent. Remember, mountaintop removal
6 happens in southern West Virginia, not in the north,
7 so it is not the whole state.

8 Several years ago, CNN reported that
9 over 20 percent of the land mass in some county has
10 been subject to mountaintop removal.

11 It is probably more now. We're talking
12 about counties like Boone, Logan, and Mingo. This
13 huge land disturbance obviously creates massive
14 problems.

15 Take the last few years, flooding, as an
16 example. But you guys know this, remember?

17 Remember that when the coal industry
18 tells you how much it puts into the state in terms of
19 taxes, remember what we pay, and pay, and pay, to
20 clean it up.

21 The EIS needs to include a full
22 accounting of all tax subsidies that coal industry
23 gets. Remember the billion dollar super tax credit
24 that was supposed to create jobs, and instead was

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1 used to buy giant machines that replaced loads of
2 miners; remember?

3 The EIS should have a full accounting of
4 all of the externalized costs associated with
5 mountaintop removal.

6 This industry continues to pit
7 working-class people against working class people,
8 while whisking profits out of state and leaving us,
9 our children, and our children's children a fiscal,
10 social, and environmental bill that will be
11 impossible to pay.

12 The draft EIS fails to note the act of
13 environmental terrorism that are being committed
14 right here in Appalachia.

15 Some have been saying that we need to
16 sacrifice West Virginia's mountains, so that the
17 nation can have cheap energy without relying on
18 foreign sources of energy.

19 Arthur Dennis Burke, using government
20 statistics -- Government statistics -- calculated
21 that 2,500 tons of explosives are used against the
22 Appalachian mountains each day.

23 That is every four days more explosives
24 are used in mountaintop removal coal mining that were

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1 used in the post 911 bombing of Afghanistan in the
2 hunt for Bin Laden.
3 In the long run, no amount of bombing of
4 own our coal fields, will ever give us homeland
5 security.
6 In fact, the ironic thing is that this
7 bombing is destroying our homeland. But again, you
8 guys know this, you wrote a report on it.
9 Our nation's energy appetite shouldn't
10 and needn't drive us to justify such massive
11 cruelties to people and the land that supports us.
12 There are alternatives. The World Watch
13 Institute says that renewable cleaner energy
14 technology are advanced enough to satisfy the world's
15 energy needs now. That is without whole-hearted
16 government support for research and development in
17 these technologies.
18 Just think what we could do if we had
19 Manhattan Project Org. alternative energies. World
20 watch says the main thing lacking in getting
21 alternative energy in place, is the political Bush.
22 The EIS needs to expose Bush
23 Administration ties to fossil fuel energy industry
24 and it needs to recommend that we begin a full-scale

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1 switch to alternative energy.
2 Bring that industry to the coal fields.
3 That way, we can have jobs, as well as a future.
4 MR. CHAIRMAN: You are out of time.
5 MR. MWAURA: Now I dare one of you to
6 drink the water that I just put a safe amount of
7 Tylenol in over a period of 20, or 30 years, in a
8 nonrenewable resource, our water. But the dose of
9 selenium that I put in is safe.
10 MR. CHAIRMAN: Is Jason Sneed here?
11 (No response.)
12 MR. CHAIRMAN: Okay, the next person the
13 Connie Lewis.
14 Is Connie here?
15 Okay. Connie will be speaking next and
16 after Connie it will be Paul Nelson.
17 MS. LEWIS: Before I begin my formal
18 remarks, I have only lived in West Virginia for 32
19 years since I finished graduate school at Penn State.
20 But I married a man whose family has
21 lived in the Kanawha Valley for 220 years.
22 I would also like to say that flat land,
23 a good transportation infrastructure, and a
24 willingness to work for it, for all that is needed

1 for economic development, please explain to me
2 Youngstown, Ohio, and Flint, Michigan, and many of
3 the other cities in the west coast, from which I have
4 hailed.

5 MR. CHAIRMAN: Can you speak into the
6 microphone, please?

7 MS. LEWIS: In a report prepared for
8 West Virginia Manufacturers' Association, in 1925, a
9 book entitled, "The Tax Problem in West Virginia"
10 The conference board said this about land, and I
11 quote:

12 "Land is a common heritage of the human
13 race. Hence its destruction has always been looked
14 upon as an insult to the welfare of human society."

15 "Unlike a healthy climate, water supply,
16 and similar assets which are owned collectively by
17 the entire community. The natural resources within
18 the depths of the earth are subject to appropriation,
19 exploitation, and utter destruction."

20 "Through the operation of natural
21 processes, processes over centuries, and centuries,
22 these assets of the human race have been accumulated
23 for the benefit of mankind; however, once depleted,
24 society has sustained an irretrievable loss, and

1 future progress is thereby considerably retarded."

2 And you have heard many stories that
3 verify that statement from the conference board. If
4 it was true 80 years ago with the destruction of land
5 looked upon as an insult to the welfare of society.

6 It is certainly true now. And if it is
7 bad for society, it surely cannot be good for the
8 economy, and it surely cannot be good for the future
9 of West Virginia and it cannot be good for the
10 environment, also known as our life support system,
11 or the plants and animals dependent on the land.

12 If it was true 80 years ago, that a
13 plentiful water supply was a community asset, it is
14 certainly true now.

15 And covering up streams and destroying
16 our water wells, certainly cannot be in the best
17 interest of the community. It cannot be good for its
18 economy, and it could not be good for its future.
19 And of course, it cannot be good for the environment,
20 or the plants, and animals dependent on the water
21 supply.

22 It is also true that small alterations
23 in land, and land use, can affect the climate of a
24 small space. Cities, for instance, are warmer than

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1 the surrounding rural areas, and Israel discovered
2 that planting citrus orchards changed rainfall
3 patterns.

4 So it is also true that removing
5 mountaintops, and scraping the lands bare, and using
6 the native hardwood forest, is probably affecting a
7 climate, again, in small spaces.

8 But I don't think you studied that, and
9 I think you should have.

10 Even farmers, and gardeners know that
11 their land can have several different microclimates.
12 Destroying seven percent of the forest in this region
13 also affects the weather in unpredictable ways.

14 Wouldn't thousands of suddenly treeless
15 areas impact runoff from flooding?

16 Oh, you have already discovered that,
17 the DEP says so.

18 Given all this, it only makes sense to
19 move cautiously and to require stringent regulations
20 when allowing a company to make a permanent,
21 uncorrectable land alteration for a short-term
22 economic purpose.

23 All the alternatives in the EIS prevent
24 the long-term protection of the land, and the water,

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1 and the human and natural communities dependent upon
2 them.

3 The proposals in the EIS assume that the
4 problem is with the cumbersome bureaucracy; that is
5 wrong.

6 The problem is with the destruction of
7 the land and the waters. It should be beneath the
8 dignity of the professionals in the agency, to
9 participate in the destruction of water supplies.

10 It should be beneath the dignity of the
11 Army Corps and the Fish & Wildlife, and the others,
12 to allow the stream-buffer rule to be cast aside like
13 an outgrown toy.

14 The EIS appears to begin with the
15 predetermined results, that mountaintop removal
16 mining should continue unimpeded. That is not
17 science. That is politics.

18 To begin with a result, is inherently
19 unscientific. And anything unscientific should be
20 beneath the dignity of the professionals in these
21 agencies.

22 The report should have supported the
23 stream-buffer rule, should have further limited the
24 size of valley fills, mandate the reforestation of

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1 all sites not ready for development, protected water
2 supplies, and should have supported the people of the
3 region who must live with the consequences of
4 destructive mining practices.

5 Several hundred thousand acres sitting
6 idle indicate that there is not a viable market for
7 flat land in these 14 counties.

8 We know that the damage caused by
9 mountaintop removal mining is widespread, severe, and
10 destroys communities.

11 We know that it is getting worse, not
12 better and that too much of southern West Virginia
13 will be a moon state, except where it will be in
14 metal.

15 MR. CHAIRMAN: You are out of time.

16 MS. LEWIS: Governmental efficiency is
17 proposed in this report. It sounds as though the
18 Federal government is proposing a final solution for
19 our mountains.

20 MR. CHAIRMAN: Paul Nelson.

21 After Mr. Nelson we are going to take
22 our last five-minute break.

23 MR. NELSON: My name is Paul Nelson and
24 I live in Boone County, and I am against mountaintop

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1 removal.

2 Here I have a paper that has got 363
3 issued mining permits, not counting the ones that are
4 waiting to be issued -- pending.

5 You keep talking about MTR creates
6 jobs. Well, actually it takes away jobs.

7 I was a deep miner. If we mined this
8 much mineral bone, (indicating) the companies frowned
9 in eight-foot coal. But if you look along the roads,
10 you can see 400-feet plus. They will go for a seam
11 of coal this big and make money, now, that don't add
12 up.

13 Talk about where the economics are at,
14 it is not here.

15 Another thing, we live in the United
16 States. This flag is what we live under, and the
17 Constitution -- it is like I have read, it is not
18 saying that any one person has the right, or any
19 certain people to have the power to dominate the
20 whole world with destruction, or give us terrorism.
21 It is supposed to be a free country. We are not
22 supposed to live in terrorism.

23 These are the kinds of things that we
24 live with in our own countries. Many of you have

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1 been to Vietnam, you have seen soldiers lost, and
2 killed due to booby traps. Booby traps is what is in
3 our mountains.

4 What if your kids, or someone you know
5 gets on it, if you do this, you go to jail. This is
6 illegal, then why is nothing being done?

7 It is so sad. When I stand up, I pledge
8 my flag, I do it with pride.

9 When I am seeing what I am seeing,
10 working with the few coal companies, the barrens are
11 doing, they are laughing at this flag. They may as
12 well burn it, as they did in the years that passed,
13 because it means nothing to them to flagrantly break
14 the laws that give us this freedom.

15 What more do we have to do? We don't
16 want to live in Afghanistan, this is our home. We
17 have the richest coal in the United States, here in
18 Boone County.

19 They can mine that mine responsibly, and
20 they would do it right because it is there, and they
21 want it, it is the richest coal. They can deep mine
22 that coal and put everybody to work that wants to
23 work.

24 The mines that I was at was 300-plus

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1 men, and they could have used that many more. 20 men
2 can run a strip, and the biggest part of them don't
3 even live in this state. Because they come in from
4 Alabama, and everywhere else.

5 On the weekends, their money goes out of
6 this state. It is not right. So what do we live in?
7 We live in the United States; we are not a
8 third-world country.

9 That is all I have to say.

10 Thank you.

11 MR. CHAIRMAN: Thank you. We will be
12 taking a five-minute break. We do have several more
13 speakers, so let's try to get back on time.

14 The next two speakers right after the
15 break will be Monty Fowler, and Denise Giardina.

16 Just take a five-minute break, and hurry
17 back as soon as possible.

18 Thank you.

19 (Five-minute break.)

20 MR. FOWLER: For the record, you got
21 mine right. Way to go.

22 My name is Monty Fowler, I am from
23 Huntington, West Virginia. No, I have not lived here
24 my entire life.

1 Three observations, and then two
2 comments. First, I used to be a reporter in a past
3 life, and we had a name for reports like this, we
4 called them doerstops, because that is the only
5 useful purpose they should ever serve.

6 This gentlemen, is a 4,000-page
7 doerstop.

8 Because for one thing, it is misnamed.
9 You call it mountaintop mining, it is called
10 mountaintop removal. You need to call it what it
11 is.

12 Second, there were studies done on the
13 cumulative economic impacts of the proposed
14 regulations; where are they?

15 I paid for them. I want them in the
16 final report, because they show that the cumulative
17 economic impact of regulating mountaintop removal
18 mining, are minimal. I want those in the final
19 report.

20 Thirdly, the cumulative environmental
21 impacts are not discussed in anything other than
22 vague generalities that agree that well, mountaintop
23 removal mining, might possibly be bad. Duh.

24 I know that studies were done that

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9-5-4

1 looked at the cumulative economic impact of
2 mountaintop removal mining. They indicated that the
3 cumulative impacts were very great and were
4 permanent.

5 I want those studies, and those
6 conclusions in the final report. I paid for them; I
7 deserve to have them in there.

8 Two comments: Number one, none of us
9 would have to be here tonight if you guys, OSM, DEP,
10 EPA, Corps of Engineers -- to an extent, Fish
11 & Wildlife -- did your jobs and enforced the
12 regulations that we have now. We have wasted \$8
13 million because you guys have let the coal industry
14 do basically what they wanted since probably the dawn
15 of time, certainly before I was on this planet.

16 Number two: For you coal guys, I have
17 heard several of you speaking during the break, I am
18 happy to provide your evening's entertainment. I
19 know you think this is a big joke, and that we are
20 just here for you to laugh at, but just remember, to
21 us, this is deadly serious. And in the end, we will
22 win, because we have better t-shirts than you do.

23 Thank you.

24 MR. CHAIRMAN: Denise Giardina. And

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1 then after Denise, will be Jason Bostic.
2 MS. GIARDINA: I am Denise Giardina. I
3 grew up in the coal fields. I live now in
4 Charleston.
5 I am a lay preacher in the Episcopal
6 Church, so this will be a sermon.
7 I have no illusions about the nature of
8 this hearing. It is not a hearing where no one is
9 listening.
10 My apologies to you folks. I should
11 say, no one with any power is listening. If you had
12 any power you wouldn't be here.
13 This gathering is like a show trial in
14 the Stalin Soviet Union. Judgment against the
15 mountains has already been pronounced and we are just
16 going through the motions.
17 The Bush Administration has every
18 intention of allowing the continued destruction of
19 the Appalachian mountains.
20 And let me point out in fairness, that
21 when I say the Bush Administration, I also mean the
22 Clinton Administration before it, and the first Bush
23 Administration, and the Reagan Administration.
24 I have come to speak despite the

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1 scepticism, because I am called as a Christian to
2 speak a word of truth to power.
3 I know that most of the power has left
4 the room, but some of it is still back there, and you
5 gentlemen are in big trouble, so I hope you listen
6 carefully.
7 The coal industry has absolute power, or
8 so it believes, that God says neither principalities,
9 nor power, can separate us from his love. God also
10 told us in Romans that the whole creation will be
11 redeemed.
12 As a Christian, I am told that I should
13 not judge, and yet God does call me to say that
14 judgment has indeed been pronounced.
15 Repentance is still possible, but living
16 at the expense of others, worshiping money and
17 worrying where it comes from, cursing others with
18 power, destroying God's creation, these are the ways
19 to eternal death.
20 I say this not as a judgment, but as a
21 warning. The way to eternal life lies elsewhere.
22 These mountains were the first God
23 created, and if they dare to hold a very special
24 place in his heart, I would not be surprised.

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1 I say this to give comfort to those of
2 you who also love these mountains, because so often
3 we despair what has already been lost.

4 The coal industry is right about one
5 thing, and only one thing: These mountains out there
6 have not been destroyed, these mountains still exist
7 in the mind of God.

8 And God will restore them, as only God
9 can.

10 To claim that a coal company could put
11 back God's handiwork, or that the Government can
12 regulate it, is blasphemy.

13 It is to worship before an idol made of
14 coal.

15 One day, everyone in this room; man,
16 woman and child, will lie under the ground, or be
17 scattered over the earth.

18 My faith tells me that Jesus Christ will
19 return to this earth to judge the living and the
20 dead. There shall be a new heaven and a new earth.

21 Those who live by the compassion, to
22 care for God's world and its creatures, who have put
23 their trust in God, rather than money, will be raised
24 to new and eternal life.

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1 Those who have lived life based on
2 greed, and power and destruction, those who have put
3 these things ahead of the love of God, and their
4 fellow human beings, those who destroy God's
5 creation, or allow it to be destroyed, will die
6 eternally, they will have only one soul. And on top
7 of their graves, will be reborn in all of their
8 glory, the most beautiful mountains that God ever
9 created.

10 I close with the words of the Prophet
11 Amos, "For woe he that formeth the mountains, and
12 created the wind, and declared unto man what is His
13 thought that maketh the morning darkness, one
14 treadeth upon the highest places of the earth, the
15 Lord, the God, the Host, is his name, and you cannot
16 stand against him."

17 MR. CHAIRMAN: Jason Bostic.

18 Then after Jason will be Nick Carter.

19 MR. BOSTIC: Good evening. I am Jason
20 Bostic, the Regulatory Affairs Specialist for the
21 West Virginia Coal Association.

22 For the record, I am a life-long
23 resident of the coal fields of West Virginia, having
24 spent most of my life on Cabin Creek, West Virginia.

1 Like my colleague, Mr. Hamilton, who
2 spoke to you earlier, I am speaking tonight to urge
3 the adoption of Alternative 3.

4 The U.S. Army Corps of Engineers
5 regulations provide for the issuance of general, or
6 nationwide permits. In cases where proposed
7 activities are similar in nature, and have only
8 minimal, individual, and cumulative impacts.

9 The draft EIS finally provides clear and
10 convincing evidence that mining has minimal and
11 temporary impacts, and as such, should qualify for
12 authorization under a nationwide Permit 21 process.

13 For example, the United Technical
14 Studies tell us that if mining were to continue, even
15 without any of the new restrictions proposed, the
16 United states West Virginia will remain one of the
17 most heavily forested states in the nation.

18 Other terrestrial technical studies have
19 found that mining's temporary disturbance to
20 West Virginia's landscape. It is fostering a diverse
21 bird/animal habitat.

22 Species that are generally declining in
23 this state, are found in abundance on mine sites. If
24 mining continues at current levels, only 2.5 percent

1-4

7-5-2

7-3-2

1 of the streams in West Virginia will be impacted by
2 mining activities.

3 Again, this assessment assumes that the
4 guidelines, and the other measures described in the
5 EIS, will never be implemented.

6 Other technical studies as part of the
7 EIS, have also found that valley-fill construction of
8 mining activities, from adversely impacting streams.

9 A macrophyte vertebrate, or bug study,
10 found that streams and valley fills from their
11 headwaters are in good, to very good condition.

12 The same study found that mining
13 activity was not contributing to excessive streambed
14 sedimentation.

15 A chemistry study found that certain
16 mineral constituents, are generally elevated
17 downstream of valley fills. But according to the bug
18 study that I mentioned earlier, which showed field
19 streams to good, to very good streams, the elevated
20 parameters are not causing an adverse impact.

21 Even more important, as far as the EIS
22 is concerned, is the conclusion that any earth-moving
23 disturbance in central Appalachia will have similar
24 downstream results, because of the very nature and

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1 geology of the soil in the area.

2 An additional advantage of Alternative

3 2, is that it ensures the maximum level of public

4 participation in the permitting process.

5 The Surface Coal Mining and Reclamation

6 Act is perhaps the most citizen-friendly law in

7 existence in the United States today.

8 Further participation in the permitting

9 process is an inherent theme found throughout both

10 the statute, and the implementing regulations.

11 And finally, Alternative 3, would

12 facilitate an expedited permitting process for mining

13 operations by placing the majority of the

14 decision-making responsibility, with the agency best

15 suited to make those decisions, the SMRCA authority.

16 AUDIENCE MEMBER: We can't hear you.

17 AUDIENCE MEMBER: Time.

18 MR. BOSTIC: I can do it again.

19 Thank you.

20 MR. CHAIRMAN: Nick Carter. Then after

21 Nick Carter will be John Taylor.

22 Is Nick Carter here?

23 (No response.)

24 MR. CHAIRMAN: He spoke earlier, he did.

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1 John Taylor?

2 Then after John will be Fred Sampson.

3 MR. TAYLOR: John Taylor. Resident of

4 Rand, Kanawha County, West Virginia. I am a board

5 member of the Ohio Valley Environmental Council and

6 also the West Virginia Environment Council.

7 You all are the daddy's and mama's of

8 this -- I guess this is your vision. But after

9 reading it and listening, I have to quote from Hank

10 Williams, Jr., "If this is the Promised Land, I have

11 had all that I can stand."

12 Let me pick up a theme that some of the

13 brothers and sisters have talked about, and that is

14 creation and spirituality, and so forth.

15 The last speaker talked about the Book

16 of Amos. One of my favorite books. And one of the

17 quotes from there is, "Woe to those who are at ease

18 in Zion."

19 You all are at ease in Zion.

20 Waters of righteousness will pour down

21 over you.

22 I want to talk about some things that

23 are all written in a book. First, we will talk about

24 the creation as described in the first two chapters

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1 of the Book of Genesis.
 2 You all know this, you go to Sunday
 3 School, church. It says, God created everything,
 4 found it good. In fact, God found it very good. And
 5 there is mention explicitly of mountains.
 6 The destruction of mountaintop removal
 7 coal mining, I hope you all have seen it. I hope you
 8 all understand that each blast is 30 times bigger
 9 than the blast that took out the courthouse in
 10 Oklahoma City.
 11 You do know that, don't you? I mean,
 12 you did write this.
 13 Paul tells us in Galatians, Chapter XI,
 14 Verse XII. "God is not mocked."
 15 God is not mocked.
 16 What you all are doing, or approving of,
 17 is a mockery of God's creation. You will reap what
 18 you sow.
 19 Chris Hamilton, and Mr. Bostic told us
 20 that this will reap dollars in tourism, and other
 21 commercial benefits.
 22 I am sorry, Chris, I thought you had
 23 more depth to you. We are sowing -- you are not
 24 going to harvest dollars from tourism. What do you

1-9

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1 think, do you think they will come to look at it?
 2 We are going to reap -- we are reaping
 3 bare dirt, dry rocks, water that is previously
 4 befoiled, barren soil, floods; that is what we will
 5 reap. Because of what is being sowed here.
 6 God is not mocked.
 7 That is what I have to say.
 8 AUDIENCE MEMBER: Amen.
 9 MR. CHAIRMAN: Fred Sampson. Then the
 10 next speaker is Leon Miller.
 11 MR. SAMPSON: Fred Sampson. Clay
 12 County.
 13 We will soon have a 1,734.08 mountaintop
 14 removal line up in Clay County. Where there has
 15 already been approximately 30,000 acres in Clay and
 16 Mingo County, Nicholas County that has been torn up
 17 by surface mining.
 18 I am totally opposed to the method of
 19 mountaintop removal mining. This EIS seems to be a
 20 sham in that it tells about all of the devastation
 21 caused by mountaintop removal mining. And yet there
 22 are alternatives that they are going to let it
 23 continue. That is not consistent.
 24 We expect our Federal agencies and our

1-9

1-5

1 state agencies to be consistent. We also, citizens
2 of West Virginia, believe in holding folks
3 responsible.

4 You all are responsible and so you will
5 be held responsible.

6 West Virginians are provided by our
7 Constitution, the right to pursue life, liberty and
8 happiness, without fear of: a., having their houses
9 blown off their foundations; b., having their water
10 supply destroyed; c., children unable to play in
11 yards, due to blasting be allowed within 700 feet of
12 a home, yet no miner with a hard hat, is allowed
13 within 1,000 feet of blasting; d., flooding washing
14 away all of our possessions, as well as human life;
15 e., fear of all of the above.

16 Fear, being the most important.

17 If you have ever lived with fear, you
18 know what I am talking about. If you haven't lived
19 with fear, you should sometimes be afraid.

20 Previous speakers have told you why.

21 The EIS calls for more protection than
22 the current administration and King Coal has.

23 Where will us citizens get the full
24 level of protection promised in our National

1-9

1 Constitution. We asked you all to do it.

2 We expect it from you.

3 Any mine this large, as large as this
4 one involved, should be allowed within 100-foot
5 buffer zone of our streams, and should not be
6 allowed.

7 Any mining done within 100-foot buffer
8 zone of streams is illegal, at present, and should
9 remain illegal.

5-7-1

10 Friends of Coal are here this evening,
11 and the ones that are present, and others, they are
12 friends of death and the destruction, caused during,
13 and after the mining of coal.

14 Coal, when you burn it, goes up into the
15 air, and causes acid rain and asthma, and other
16 things.

10-5-2

17 I am 73-years-old, I carry this at all
18 times because of the air I am breathing.

19 One of the last things that I want to
20 talk about off the top of my head, is that I am
21 totally uncomfortable when I am in flat country. I
22 can't hardly stand western Texas, or Illinois.

10-6-2

23 Mountains are my home, the trees on our
24 mountains are my protection, my comfort. I don't

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1 believe that I can live in flat country. We don't
2 need anymore flat country here in West Virginia. We
3 need to leave the mountains the way they are.

4 I appreciate you coming.

5 Thank you.

6 MR. CHAIRMAN: Leon Miller.

7 Then after Mr. Miller will be

8 Larry Gardner.

9 MR. MILLER: Hi. I am Leon Miller. I
10 am from Ripley, West Virginia.

11 My home is originally Boone County, my
12 wife's family lives in Lincoln County, right near the
13 Hoebet 21, Massey mine.

14 We have watched them for 20 years,
15 they've worked all the way around us. We have
16 endured it.

17 And our understanding, the home place
18 was left to my wife's father, and his seven brothers
19 and sisters. And we understood that it was going to
20 be a meeting place that could never be sold.

21 Well, our family found out something
22 different that we didn't know, so he went to Florida,
23 and he went to Kentucky, and he went to Illinois, and
24 he found people that was willing to sell.

10-6-2

11-3-1

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1 So I am sure that there is not five
2 people in this audience other than a coal company,
3 knows what a partition is. When they get one -- all
4 they have to do is get one person to sell, and then
5 they can force the rest -- they can force it into the
6 courts, and then the Judge decides in whose best
7 interest it is.

8 Well, they have got two-thirds of it.
9 The rest of it stood standing. And we stood still.
10 The fact of the matter is that my wife and I bought
11 it as soon as our cousins were going to sell. We
12 used our life savings to try to save it.

13 We went through the courts of Lincoln
14 County. The judge decided that the best use of land
15 was for the coal company. He didn't consider -- a
16 partition suit is supposed to be, can you divide the
17 land? We got a mining engineer that did a study, and
18 he concluded that every bit of the coal on the land
19 could be mined, and we could stay on the 25 acres
20 that were still remaining.

21 The judge decided that was not good, and
22 he thought that we shouldn't really waste anymore of
23 our money pursuing this thing. We did, and we are.
24 It is in the State Supreme Court; we have used our

11-3-1

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1 whole life savings working on it.

2 We don't know whether we are going to
3 win it or not. I always thought that if you paid
4 your taxes and lived right, that life was fair.

5 Life is not fair. The coal company and
6 the big business is running this country. And they
7 have ruined this country.

8 All we need is some help. We need some
9 help. We need some help from you people. We are all
10 going to live for a while, and you think we are going
11 to live like this forever, but we're not. One of
12 these days, we are going to answer.

13 I have got to answer for mine, and I
14 don't have to look back too much for my answers. I
15 hope you don't.

16 Thank you.

17 MR. CHAIRMAN: Blair Gardner.

18 And then Elaine Purkey.

19 MR. GARDNER: Mr. Chairman, good
20 evening. My name is Blair Gardner. I am an attorney
21 here in Charleston, West Virginia, with the law firm
22 of Jackson & Kelly.

23 I live here in Charleston. I have
24 resided here for two years. I have worked on various

11-3-1

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1 aspects of this document this evening that we are
2 commenting on. Both with my present employment, and
3 previously with my employment with a major coal
4 company, that have mining operations here in West
5 Virginia.

6 I do not have prepared remarks. I can
7 tell you that I cannot speak with the eloquence of
8 some of the speakers, such as, Ms. Giardina this
9 evening. But I will try to make my remarks at least
10 more temperate than some that I have heard from
11 members of the audience.

12 Members of the panel, contrary to what
13 some people here this evening have thought, the EIS,
14 as you know, is dedicated to a process. It was not
15 dedicated to an outcome.

16 We have spent four years, millions of
17 dollars, I am certain. We have had a study that I
18 believe I have been told weighs 38 pounds.

19 Surely, if the process of mining by full
20 extraction method is as destructive as so many people
21 here have described; why would it take so many pages
22 to describe that process?

23 The reason is because it is not
24 destructive in the way that people have described it.

1 We have found two significant, perhaps,
2 consequences, of this form of mining that has been
3 studied. One, that there is a change in the
4 distribution of population of certain insects in
5 streams below valley fills.

6 Second, as people have noted, there is a
7 difference in the water chemistry. In some cases, it
8 does not comply with current Clean Water Act
9 standards. That is it.

10 We have spent four years, and millions
11 of dollars to learn what I think people probably knew
12 prior to the time that this study began.

13 It is time to end the process. It is
14 time to come to conclusions. The mining industry in
15 West Virginia has been told at nauseam is that it is
16 a competitive industry competing not only for the
17 mines, elsewhere in the region, but elsewhere across
18 the United States.

19 Over the last four years, the industry
20 in this state has been subjected to standards not
21 applied anyplace else in the United States. The
22 industry is prepared to accept the outcomes of the
23 EIS.

24 We prefer Alternative 3, in terms of the

11-4

1 process, but it is time to bring this to a close.
2 Give the companies that are attempting to mine coal,
3 clear process and standards that they can meet and
4 let them get on with the business of mining coal.

5 As it has already been stated, the
6 process for permitting mines is open to challenge
7 repeatedly throughout the process.

8 If people here this evening, or others,
9 who oppose it, do so; they have the opportunity
10 afforded by the law and have been afforded for the
11 last 25 years.

12 One final comment, one of the companies
13 that currently mines coal in West Virginia last month
14 announced that it was making a major investment in
15 acquiring new operations in Wyoming.

16 The amount of money that has been
17 announced in that transaction, is about the amount of
18 money, I believe, it would take to capitalize the
19 Bruce Fork mine that was closed by the first
20 litigation in Bragg vs. Robinson, that was commenced
21 here in U.S. District Court, back in 1998.

22 I, for one, am disappointed that that
23 investment has gone out west, and not here to West
24 Virginia.

1-4

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1 I have known many, many people here in
2 the industry in West Virginia, who have worked. The
3 one thing that I can observe about all of them is
4 they want a job, but they want it here in
5 West Virginia. Let's bring this process to a close,
6 and try to accomplish that.

7 Thank you very much.

8 MR. CHAIRMAN: Elaine Purkey.

9 The next speaker will be Sharon Murphy.

10 MS. PURKEY: My name is Elaine Purkey,
11 and I am from Lincoln County, West Virginia.

12 I would like to answer one of the
13 questions that he just asked. What if we spent four
14 years, and millions of dollars doing? Trying to call
15 a pure hell, heaven, that is exactly what we have
16 tried to do.

17 That is what it was set out to do it was
18 trying to call mountaintop removal something that it
19 wasn't, and they have tried it they have done it four
20 years. It was supposed to have been two years, and
21 they changed it to four.

22 On paper it looks real good. The facts
23 look real good on paper, but all of these people down
24 here are living proof that it does not work. What is

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1 on that paper does not work.

2 They are living in the hell that those
3 numbers on the paper create every day. And they fear
4 for their lives every day.

5 I did not come here to say that, but I
6 do want to say that I do disagree with -- I want to
7 vote against -- if there is any such thing as
8 voting -- active Alternative 3. And my reason for it
9 is because the coal industry is for it, and my 33
10 years of experience with mining, is that if anything
11 is good for the industry, it is bad for the people.

12 I was asked to come here to sing a
13 song. I know that you have heard poems and stuff. I
14 wrote the song for Larry Gibson. And I want to give
15 this song to -- in addition to him, to Frieda
16 Williams, the people at Coal River Mountain Watch,
17 and all of you other people out there who really,
18 really, believe that we are the keepers of our
19 mountains.

20 And now, since you people are here,
21 supposedly doing the job that Janet read -- or one of
22 the other ladies read -- that you are supposed to be
23 doing, you are the keepers of the mountains, too, and
24 this is a message that we the people have for the

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1 industry, and anybody else who comes in here to rape
2 West Virginia.
3 "In southern West Virginia.
4 The place where I was born.
5 There's something evil happening.
6 There's something evil going on.
7 They are tearing up our mountains.
8 They are taking away our hills.
9 They are taking all of our homeland,
10 and making valley fields.
11 When will they stop this destruction?
12 Oh, when will they ever leave?
13 Just go back to where they came from,
14 let us live in our mountains
15 and be free.
16 We are the keepers of the mountains.
17 As Larry Gibson has said,
18 Love em, leave em, but I warn you,
19 Don't destroy them,
20 or leave them for dead.
21 Cause we will hunt you down
22 like outlaws.
23 We will expose you for what you are.
24 Greedy, thieving murderers,

1-9

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1 who buy and sell our law-making liars.
2 Now the moral of my story,
3 Just listen to what I say.
4 We will protect our home,
5 our mountains,
6 you can do the same,
7 or you had better stay away."
8 Thank you.
9 MR. CHAIRMAN: Sharon Murphy.
10 Then after Sharon it will be Maria
11 Pitzer.
12 MS. MURPHY: Hello. My name is
13 Sharon Murphy, and I live in Scot Depot,
14 West Virginia.
15 And I just wanted to say that I am from
16 a third generation of coal mining. Like my father
17 and grandfather, we had to go underground. Due to
18 education and technology, my job deals with computer
19 drafting.
20 With that job, I have worked for the
21 coal companies for about 14 years. In that time,
22 I worked mainly in the engineering department.
23 I know firsthand that the coal industry
24 is the only one that is required to provide a service

1-9

1 long after they are through with their jobs. The
2 service is called reclamation. Something that we
3 have not heard much about here tonight.

4 Before we get a permit approved, we have
5 to submit a permit application. In that application,
6 there is one thing called a Planting Plan, and that
7 must be approved by all State agencies.

8 In that plan, it tells us what kind of
9 trees that we can plant, how many of these species we
10 must plant, what kind of grass mixture we must seed,
11 and et cetera.

12 Our water discharge is regulated through
13 anti-depth, and TMDL laws. Some of the most current
14 laws, are Contemporaneous Reclamation, that requires
15 us to reclaim closer to the actual mining, and that
16 in turn, decreases the amount of disturbed land, at
17 any one given time.

18 Our valley-fill sizes have been
19 decreased by more stringent AOC Standards, which is
20 Approximate Original Contour Standards. We must
21 comply with SMRCA regulations, which stands for
22 Surface Water Runoff Analysis. That means that there
23 cannot be more runoff during, or after that mining
24 process than what was recorded before that mining

1-11

1 began..

2 With these many facts and all of the
3 State and Federal regulatory agencies that monitor us
4 every day, how can the people here assume that we are
5 not environmentally safe.

6 One other thing I would like to state is
7 that I currently live in Putnam County. I have only
8 been there four years. I was born and raised in
9 southern West Virginia, and I know firsthand about
10 the rugged terrain. I know about the brush, I know
11 about the briar thickets that are there.

12 I witnessed a surface mine that came
13 into our area, they created jobs, they told us we had
14 30 years of mining there, but because of your-all's
15 regulations, and because the small profit margins
16 that company made, I was laid off after three years.

17 I had to pull my kids out of that
18 community, start them in a new school, and start a
19 new life in this Putnam County.

20 Yes, it was hard to leave my family, but
21 I didn't have a choice. But you know what? We
22 should never sacrifice environmental safety for
23 economic growth.

24 I go back and visit my family every

1-11

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1 chance I get. They are an hour and a half from
 2 Charleston, over an hour from Huntington, and there
 3 is nothing there for recreation except that surface
 4 mine that was left.
 5 Today there has been people who have
 6 purchased land on that surface mine from that coal
 7 company. They have built homes, pasture fields full
 8 of cattle, full of horses. We ride 4-wheelers. I
 9 horseback ride on the hollows, every chance I get.
 10 We snow sleigh ride in the wintertime.
 11 Now, that is the devastation that these
 12 people want you to feel like that we are doing.
 13 I am here to say that I want to work. I
 14 want to provide for my family, and I want to continue
 15 to live in this state. That is all I ask you all to
 16 give.
 17 I help pay the taxes that give you
 18 your-all's jobs, base those jobs on facts and
 19 statistics, and not the emotion that is out there in
 20 this room tonight.
 21 That is all I am asking.
 22 Thank you for your time.
 23 MR. CHAIRMAN: Maria Pitzer.
 24 Then after Maria, will be John Barrett.

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1 MS. PITZER: Sharon, you need to come to
 2 my house.
 3 My name is Maria Pitzer. I am from
 4 Boone County, West Virginia.
 5 I have two children, a 12-year-old boy,
 6 and a 9-year-old girl.
 7 MR. CHAIRMAN: Please speak into the
 8 mic.
 9 MS. PITZER: We are from Bob White in
 10 Boone County, West Virginia. I have two children, a
 11 9-year old girl, and a 12-year-old boy.
 12 We are against mountaintop removal. We
 13 are a family that lives in the constant shadows of
 14 mountaintop removal valley fills and slurry ponds.
 15 The mining around us has destroyed our
 16 quality of life. The blasting from the mines is a
 17 constant reminder of why our lives have changed so
 18 much. My children are not allowed to play in the
 19 water that runs through our property, because the
 20 pond is running straight into it.
 21 The aquatic life in this stream is all
 22 but gone. Catching fish -- or catching bait, or
 23 fishing, is a waste of time. Now there isn't
 24 anything to catch.

1-9

10-4-2

5-1-2

1 Who can say with the upmost certainty
2 that this will not endanger my children' health?
3 You, the panel of people that say that what the mine
4 companies are doing is okay? You have not yet been a
5 trustworthy source, at all.

6 I have lived on this same property for
7 35 years, in the same town, with the same people.
8 And they are all saying the same thing, mountaintop
9 removal is going to run us out.

10 We were flooded in 2001, three times.
11 In 2002, we were flooded again.

12 In 2003, we were flooded horribly.

13 The storms was what the mine companies
14 called once in a 100-year of storms. I heard it was
15 an act of God. That is like saying that the Buffalo
16 Flood was an act of God.

17 I remember when I was a child, it rained
18 until I was running in water to my knees in the same
19 yard that washed in. The very, identical, same yard,
20 35 years ago. Same amount of water.

21 Why didn't these catastrophic floods
22 happen then? Why are they happening now?

23 Mountaintop removal is why.

24 If you poured water onto a rock, it is

10-5-2

17-2-2

1 going to roll off. If you pour it into dirt, it is
2 going to absorb. Common sense tells me that.

3 The flood on June 16th, ruined our
4 life. The rains came down the hollow, coming through
5 our property. It rose so fast that we didn't have a
6 chance to get away from it. We were trapped in every
7 direction.

8 The river running by me was still clear
9 and the hollow washing into this river was raging.

10 I was being flooded by a stream that
11 three years ago, before this stripping started, I
12 could step over.

13 Within three hours after it started
14 raining, I had lost everything that I had. The mud
15 slide tore through my barn, my orchard of fruit
16 trees, with one of my dogs tide out. The water and
17 mud came so fast, that I didn't get a chance to get
18 my dogs out. My dog, of eight years, died. A
19 horrible death, might I add.

20 As the water continued down and filled
21 five-foot culvert that had just recently been put in
22 in 2001, this was in there from 1981, until 2001, a
23 three-foot culvert. When we replaced it, we replaced
24 it with a five-foot culvert thinking that this would

17-2-2

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1 help.

2 The mud slide came in, it plugged up the
3 five-foot culvert, and the water washed around the
4 five-foot culvert. It took out my septic system, it
5 took out my access, it took out my water, it took my
6 yard, it took my driveway; it took everything.

7 Okay. It did stop 20-feet short of my
8 house. I have sinkholes around my house that you
9 could fit a 50-gallon barrel down in.

10 As of right now, my house is okay. My
11 home, when I look out my window, it is destroyed.

12 Our life, as we have always known it, is
13 now nonexistent. Hikes through our own property, is
14 now unsafe, due to the mining breaks, and slides,
15 coming in behind us.

16 The heritage that I had grown up
17 knowing, will no longer be passed on. It is not
18 there to pass on; it is being destroyed with each
19 blast.

20 Everyone who has had a hand in allowing
21 this mine practice to continue is guilty of allowing
22 the heritage of the people of the State of West
23 Virginia to be just wiped out, faded away. If that
24 is okay with you. That is not okay with me by no

10-2-2

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1 means.

2 I am of Cherokee nationality, and we
3 have always been taught to live off of the land.

4 MR. CHAIRMAN: You are out of time.

5 MS. PITZER: Okay. I have one more
6 statement: If you can sleep with yourselves, then I
7 ain't got no choice but to stay up with the storm, do
8 I?

9 Thank you for destroying mine and my
10 children's life.

11 MR. CHAIRMAN: John Barrett. Then after
12 John will be Lisa Millimet.

13 MR. BARRETT: Thank you. My name is
14 John Barrett, and I am a lawyer here in Charleston
15 and I am with the Appalachian Center for the Economy
16 and the Environment, and I am making this statement
17 on behalf of the Center.

18 When we settled the Bragg case in 1998,
19 the Federal agencies promised to perform a
20 comprehensive EIS, that would show the environmental
21 and economic impact of MTR, and propose alternatives
22 to MTR.

23 Incredibly, nearly five years later, the
24 agencies have produced a draft document that

1 demonstrates the devastating environmental impacts of
2 mountaintop removal, while simultaneously proposing
3 to make permits for these mines easier to receive.

4 These agencies appear to be operating in
5 an environment where they believe they are beyond
6 accountability.

7 The draft EIS audaciously tells us that
8 down is up, and up is down, and dares the public to
9 challenge them.

10 The Bush Administration has done its
11 best to undermine the good science and economic
12 analysis that was performed by scientists and
13 economists.

14 When the Clinton Administration started
15 the EIS process, it was by no means slanted towards
16 environmental interests.

17 Indeed, many in the environment of the
18 community did not want to settle the Bragg lawsuit,
19 because they didn't trust the Clinton Administration
20 to stand up to the coal industry in West Virginia.

21 Little did we know then just how bold
22 the Bush Administration would be in its attempt to
23 warp the scientific and economic analysis in favor of
24 the coal industry.

4-2

1 A draft EIS is a dishonest document.
2 Those who wrote it are motivated not by science, or
3 the desire to complete a thorough economic analysis
4 of MTR. Instead, they are motivated by the coal
5 industry.

6 For instance, we understand that Steven
7 Guiles, Deputy Secretary of the Department of the
8 Interior, played a significant role in the design of
9 the document.

10 Mr. Guiles is a former, and no doubt
11 future, coal industry lobbyist. He should have
12 recused himself from the process based upon its
13 conflict of interest.

14 We move beyond the point where the
15 administration is influenced by coal industry
16 lobbyists. The Bush Administration coal regulators
17 are the coal industry.

18 The destructive effects of mountaintop
19 removal coal mining are well documented in the over
20 30 scientific studies contained in the draft EIS.

21 So, it is astounding that the draft EIS
22 proposes not only to allow more of this destruction,
23 but also to make it easier for the coal industry to
24 continue to destroy the environment, and the economy

1-5

1 of central Appalachian.

2 The draft EIS misrepresents the adverse
3 economic impacts, the environmental impact, of a
4 mountaintop removal operation. Attempts to skirt the
5 clear requirements of NEPA, and willfully excludes
6 and ignores the economic evidence that support
7 stricter environmental controls.

8 The studies clearly demonstrate that
9 mountaintop removal valley-fill coal mining is
10 already caused extensive ecological harm.

11 A few of these harms include impacts to
12 an estimated 11.5 percent of the region's forests,
13 which are the most diverse and valuable hardwood
14 forests in the world.

15 Fundamental damage to the terrestrial
16 environment that would prohibit the growth of mature
17 forests for 100 years, or more.

18 Buried or damaged over 1,200 miles of
19 streams.

20 MTR operations spew selenium into the
21 region's rivers and streams at toxic levels.

22 MTR causes headwater streams to lose
23 their abilities to maintain their nutrient cycling.

24 MTR adversely impacts the total aquatic,

11-9-2

1-9

1 genetic diversity of the nation.

2 MTR harms 244 vertebrate-wildlife
3 species due to loss of forests.

4 MTR causes ecologically significant loss
5 of breeding habitats for three-fourths of the
6 interior bird species.

7 MTR increases the severity of dangerous
8 flooding that would damage personal property and
9 communities downstream from mountaintop removal coal
10 mining.

11 These facts substantiate what citizens
12 have long known mountaintop removal coal mining is
13 devastating to the environment, and to the
14 communities in the coal fields.

15 I am running out of time.

16 The document violates NEPA. The EIS
17 does not include a reasonable range of alternatives.
18 NEPA requires that an EIS rigorously explore, and
19 objectively evaluate, all reasonable alternatives.

20 In addition, the EIS does not present
21 valid reasons for the elimination of proposed
22 alternatives from detailed analysis.

23 The EIS assumes that changing the stream
24 buffer-zone rule is part of even the "No Action"

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1 Alternative. The EIS fails to address, or remedy
2 violations of the Clean Water Act.
3 The EIS must remedy violations for
4 selenium pollution.
5 The EIS cannot legally adopt any
6 alternative that would allow the use of nationwide
7 permits.
8 Thank you.
9 MR. CHAIRMAN: You are out of time, sir.
10 MR. BARRETT: Thank you.
11 MR. CHAIRMAN: Next speaker is Lisa
12 Millimet. And then the following speaker after that
13 would be Bill McCabe.
14 MS. MILLIMET: Good evening. I didn't
15 mean to speak here. I didn't even mean to come here
16 tonight. I am visiting a friend in Sutton.
17 My name is Lisa Millimet, and I am a
18 filmmaker, and a writer, and a documentarian from New
19 Hampshire.
20 I just want to say thank God for the
21 emotion in this room.
22 I think everybody sitting out here knows
23 that this could never happen in a town like I come
24 from.

5-5-1

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1 You all would have been run out on a
2 rail. You would never have been allowed into my
3 town.
4 Because I live in a town with money, and
5 so-called education, and no history of exploitation.
6 And I thank the people all in these seats, and I give
7 you my incredible and full respect and empathy.
8 Know that this is because West Virginia
9 has been being raped for over 100 years. If you
10 study the history of West Virginia, you will
11 understand that.
12 I live in the town Leonard Bernstein
13 wrote "Westside Story" in, and a playwright wrote
14 "Our Town" about George Wilder.
15 It is a rich town. It is a town where
16 people are educated and have organic food. West
17 Virginia's so-called poor, and ignorant.
18 But I will tell you, I have been coming
19 to this state for 35 years, and the finest people
20 that I have ever met have been in West Virginia.
21 I have been writing a book about West
22 Virginia and the last of the old-time mountain people
23 for 8 years, and it is going to be published next
24 year. And I made a short documentary for Larry

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1 Gibson about mountaintop removal.
2 I was run off and threatened with my
3 life on that mountain, and I was run off at 70 miles
4 an hour, doan 11 miles of a mountain. And it has
5 effectively ended that documentary. Because, I don't
6 want to die for this, to tell you the truth.
7 I will just say that in my travels
8 around the states in my 35 years, in my documentary
9 work in this wonderful state, almost invariably
10 everyone has told me, all of the people in the
11 hollows, the mountains, the cities and the towns,
12 that they are against mountaintop removal.
13 The thing that I noticed that I want to
14 share with all of you, whether you have any power or
15 not, I want it said for the record, that like the
16 Vietnam War, and so many people from West Virginia,
17 were valiant to fight in that war. But like that
18 war, this will be stopped.
19 And it is not because of the emotion
20 only, it is because that is what happens. That is
21 what happens when people are exploited. You can only
22 keep them down so long.
23 And it is not a question of religion, or
24 my opinions, that is what happens.

1-9

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1 The people will rise up, many of these
2 mountains will be gone, many of the people in this
3 room will be dead by the time it is stopped, but it
4 will stop. And you would be wise, you would be wise
5 to pay attention to the people that I hear in and out
6 of this state.
7 I have shown my film around the country,
8 and there will be critical mass at some point.
9 It is money. It is business, as usual,
10 and it is disgusting.
11 MR. CHAIRMAN: Bill McCabe.
12 MR. McCABE: I am Bill McCabe. I am the
13 Appalachian organizer for Citizens Coal Council, and
14 I am speaking for Citizens Coal Council, at least the
15 initial part of my remarks.
16 I was talking with a fellow the other
17 day in Kentucky, who made a comment that really
18 struck home to me. He said, it doesn't seem to
19 matter what we expect from the Government, they
20 successfully score beneath our expectations.
21 Congratulations, you all have done it
22 again.
23 The CCC leaders, and our membership
24 groups, were not naive enough to hope that the draft

1 EIS would tell the truth, that mountaintop removal
2 and valley fill is simply too destructive to be
3 allowed to be considered a responsible way to mine.

4 It may be the cheapest for the
5 companies, but it is environmentally, socially,
6 psychologically, and, yes, economically -- it is
7 simply too expensive to allow it to continue.

8 Even though CCC never expected a
9 truthful analysis, we were enough of Americans, and
10 probably naive enough to believe that we could trust
11 our government when they negotiated with us. When
12 they promised to conduct a study that would be
13 thorough and effective. When they negotiated and
14 promised that the studies would look at ways to
15 reduce the damage.

16 Again, you underachieved.

17 Your research was so contradictory to
18 President Bush's agenda, or probably to Bill Rainey,
19 and the economists agenda, that some of the most
20 important fact sources and analysis were simply
21 ignored.

22 I apologize, one of the advantages of
23 being last is that you are going to expect some
24 applause because you are last, and people get to go

1-9

1 home, but the disadvantage of going last is that many
2 of the comments that you worked hard to make, have
3 already been made. It just points out the importance
4 of these comments.

5 It is simply beyond my comprehension how
6 a group of highly paid bureaucrats can write a report
7 that simply does not have any logic to it.

8 Your science says one thing, and your
9 conclusions say another. Well, I am not sure for CCC
10 and our member groups why we bother. Probably
11 because we are organizers and eternal optimists. So
12 I would simply suggest a fourth option.

13 That option is to enforce the laws that
14 have existed for 25 years. Strictly enforce the
15 laws, and if you do that, there will be no
16 mountaintop removal, because it will be too expensive
17 to use that method.

18 The remainder of my time I would like to
19 use to speak individually, and have that reflected.

20 A lot of my family has been in West
21 Virginia -- as many people have mentioned -- a long
22 time.

23 Growing up, I had the privilege to
24 travel the country, and whether it was California, or

1-10

1 New York, or South Carolina, I was always the poor,
 2 dumbass hillbilly, because I was from West Virginia.
 3 But being stubborn, that didn't bother
 4 me. I have always been proud to be a West Virginian.
 5 I have always been proud to be from the mountains of
 6 Appalachia. But never, never, have I been so proud
 7 of so many people who spoke so eloquently and so
 8 bravely against this horrible bunch of crap.

9 Thank you.

10 MR. CHAIRMAN: I would like to thank
 11 each of you for coming this evening and presenting
 12 your comments.

13 I have no more cards, no more speakers.

14 But if you do have comments that you
 15 would like to make, remember we have the comment box
 16 out back. The written comment period does not close
 17 until August 29th. So you will still have time to
 18 submit those if you like.

19 Thank you all for coming this evening.

20 Please be careful going home.

21 Thank you.

22 (Public hearing concluded.)

23

24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Michele G. Hankins, a Notary Public and
 3 Court Reporter within and for the State aforesaid, do
 4 hereby certify that the hearing was taken by me and
 5 before me at the time and place specified in the
 6 caption hereof.

7 I do further certify that the hearing was
 8 correctly taken by me in stenotype notes, that the
 9 same was accurately transcribed out in full and
 10 reduced to typewriting, and that said transcript is a
 11 true record of the testimony.

12 I further certify that I am neither attorney
 13 or counsel for, nor related to or employed by, any of
 14 the parties to the action in which these proceedings
 15 were had, and further I am not a relative or employee
 16 of any attorney or counsel employed by the parties
 17 hereto or financially interested in the action.

18 My commission expires the 29th day of December
 19 2003.

20 Given under my hand and seal this 28th day of
 21 August.

22

23 -----
 24 Michele G. Hankins
 Notary Public
 Court Reporter

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